

**MINUTES OF THE
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**
Wednesday, April 19, 2000 - 2:00 p.m. - Room 414 State Capitol

Members Present:

Rep. Joseph G. Murray, House Chair
Sen. R. Mont Evans, Senate Chair
Sen. Pete Suazo
Sen. Michael G. Waddoups
Rep. Eli H. Anderson
Rep. Loretta Baca
Rep. DeMar “Bud” Bowman
Rep. Craig W. Buttars
Rep. Greg J. Curtis
Rep. Marda Dillree
Rep. David L. Gladwell
Rep. Raymond W. Short
Rep. Richard M. Siddoway
Rep. Glenn L. Way

Members Excused:

Sen. Scott N. Howell
Sen. L. Alma “Al” Mansell

Staff Present:

Mr. Joseph Wade,
Research Analyst
Mr. Robert H. Rees,
Associate General Counsel
Ms. Joy L. Miller,
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

- 1. Call to Order and Committee Business** - Rep. Murray called the meeting to order at 2:15 p.m.
- 2. Meeting Dates for 2000 Interim** - Mr. Wade reviewed the meeting dates for the remainder of the year.
- 3. Review of Potential Study Items -**

Special District Board Elections and District Taxing Authority - Rep. Seitz said with the proliferation of special districts he has become concerned about the number of taxing entities that have appointed boards and no way for the electorate to influence them. If a board has the power to tax, the electorate should have input on who serves on the board.

Interlocal Agreement Report - Rep. Beck explained that affected Sandy residents met with the Metropolitan Water District of Salt Lake City during the last general session. At that meeting the district said it would develop an interlocal agreement if the residents agreed to not carry the proposed bill to fruition during the session. She requested the item be placed on a future agenda at which time the agreement reached would be presented to the committee.

Duties and Classification of Municipalities and Counties - Rep. Harper said that current

statute classifies municipalities and counties based on population. Each class of cities or counties have different powers and duties. The study question is whether classification and population levels should be changed and if there is a benefit. If there is a benefit, how would it impact the operations and managements of those cities? Should forms of government be voted on each time a city's class is changed?

Housing Trust Fund - Rep. Harper indicated he would like to consider a permanent funding option to get the trust fund up to its \$100,000,000 level.

Rep. Harper also noted there is a group working on the recodification of the redevelopment statute. He requested that the proponents be allowed to bring a proposal back before the committee for its review.

Eminent Domain and Relocation Assistance- Rep. Brad Johnson and Craig Call, State Private Property Ombudsman, distributed an outline of the different responsibilities of some of the condemning entities and reviewed the inconsistencies that exist. Mr. Call requested that he be allowed to organize an ad hoc workgroup with affected parties. The workgroup would discuss how the laws could be made more fair, productive, and efficient. If a consensus could be reached then the workgroup would report its recommendations later in the year to this committee and also the Transportation Interim Committee and the Natural Resources, Agriculture, and Environment Interim Committee.

Agriculture and Open Space Recommendations - Rep. Buttars requested that this item be reviewed by the Natural Resources, Agriculture, and Environment Interim Committee.

State 911 Service - Rep. Gladwell indicated the request for this item came as result of a legislative performance audit. The audit proposes that a statewide office be formed in order to coordinate 911 service. He is forming a committee to put together proposed legislation to bring before the committee in September.

Special District Uniformity -

County Recodification - Rep. Gladwell indicated agenda items 4 and 5 would deal with these issues.

Jurisdiction of Cities and Towns - Sen. Valentine stated local school districts have the ability to ignore zoning ordinances of cities and counties. The item was requested in order to determine what the balance is between the rights of the school districts to site schools versus the ability of cities to have some kind of say as to where schools should be located. It should be a partnership with all parties involved having a say in the process.

Transmission Lines - Sen. Poulton said residents in his district want high transmission

power lines buried. There has been a lot of negotiation between the power company and the community. A consensus proposal was developed but was not successful at the Public Service Commission level. The issue needs to be considered at the legislative level.

County or District Attorneys - Rep. Styler indicated the issue deals with making it easier to prosecute a person who caused a wildfire that moves onto state lands.

County Affordable Housing - Sen. Hale distributed a copy of S.B. 256, Optional County Affordable Housing Funds Act, which did not pass in the 2000 General Session. The bill would have given counties an option to establish a housing trust fund that is funded through fees from deeds filed through the county. The county would have the option to double those fees and use the extra revenue towards the housing fund for low income housing.

Fire District - Sen. Evans commented this item deals with the ongoing effort concerning providing countywide service in a more efficient and effective manner.

4. Title 17 (Counties) Recodification - Mr. Rees pointed out that last session the Legislature passed H.B. 130 which was the first step in a multi-year process in recodifying Title 17. The bill recodified four chapters in Title 17 and separately addressed legislative and executive powers while still allowing county commission forms of government to operate under the same rules. Mr. Rees stated the Utah Association of Counties (UAC) put together a subcommittee last year that made some proposals that were then put into the bill.

Mr. Dave Thomas, Deputy Summit County Attorney, said last year the recodification UAC subcommittee concentrated on the separation of powers model between executive and legislative functions as specifically dealing with the boards of county commissioners. This year, the second phase of the process will apply the model to make consistent other chapters within Title 17. He said the most substantial change the UAC subcommittee will be working on is clarifying Section 17-5-213 which deals with the supervisory powers of the board of county commissioners over other elected county officials.

Mr. Kent Sundberg, Deputy Utah County Attorney, indicated meetings of the UAC subcommittee have been set throughout the summer to meet with representatives from the different sections of county government to address the supervision issue.

5. Special Districts Recodification - Mr. Rees said in 1989 a task force was created to review special districts. Legislation was enacted in 1990 that moved all special district provisions together into Title 17A but did not recodify the provisions. The districts were placed into two categories, dependent and independent. In 1997, a subcommittee was established to continue earlier efforts to recodify the special district code. The passage of S.B. 80 in 1998 and S.B. 173 in 2000 resulted in the creation of Title 17B. He pointed out that dependent special districts have

not yet been dealt with. Mr. Rees referred to the template for recodification that was mailed to the committee and pointed out that all the issues listed in the template have not yet been dealt with.

Mr. Jan Furner, Utah Association of Special Districts, said they have looked at fiscal operations as a potential issue to be dealt with concerning special districts.

Mr. Eckhard Bauer, State Auditor's Office, noted that purchasing, accounting, reporting requirements, and audits are all currently in the Fiscal Procedures Act for special districts. The act has served the state well because it has given an opportunity to the special districts to be accountable to the citizens of the state by reporting their budgeting and fiscal accounting. Mr. Bauer mentioned that there are about 5 types of districts and other entities that are excluded from the Fiscal Procedures Act. He said the committee may wish to consider why they are excluded. The committee may also want to consider including housing authorities in the act.

Mr. Furner suggested the issues raised by Mr. Bauer be considered as part of the recodification effort. He said dissolution provisions in the code need to be addressed. There are many districts that have fulfilled their mission and should be dissolved.

Mr. Thomas stated Summit County has 20 special service districts. Recently the county dissolved a special district which took the county 18 months to accomplish. Guidelines need to be established to dissolve the districts and dispose of the assets.

Mr. Terell Grimley, Utah Association of Special Districts, agreed that dissolution guidelines and standards should be made uniform throughout the code.

Rep. Gladwell said there is also an area of concern as to who should fill vacancies and who should appoint new trustee members when they resign or their terms expire.

MOTION: Rep. Gladwell moved to approve the October 20 and November 17, 1999 minutes. The motion passed unanimously. Reps. Buttars, Curtis, Dillree, Short, and Siddoway were absent for the vote.

MOTION: Sen. Evans moved to authorize the chairmen to request from Legislative Management Committee that a subcommittee be formed to meet six times this year to study special districts. The motion passed unanimously. Reps. Buttars, Curtis, Dillree, Short, and Siddoway were absent for the vote.

MOTION: Rep. Way moved to adjourn the meeting. The motion passed unanimously. Chair Murray adjourned the meeting at 3:40 p.m.